

media storage devices having digital media thereon that constitutes all or a portion of said products or services;

a card secured to said package, said card having a data-encoded portion, said data-encoded portion being displaced relative to said package whereby said data-encoded portion is exposed and accessible at the point of sale of the products or services to be delivered, said data-encoded portion including data that allows the activation process to begin through a point-of-sale activation device;

wherein said data is associated with the products or services to be delivered.

Claim 7 (Delete).

Claim 12 (Amended). A packaged delivery system for point-of-sale activation of products or service to be delivered, said package delivery system comprising:

a package;

at least one component related to the products or services to be delivered, said at least one component being retained within the package, wherein said one component is a CD, CDs, CVD, CVDs or other digital media storage devices having digital media thereon that constitute all or a portion of said products or services;

a card secured to said package, said card including a personal identification number applied to a surface of said card, said personal identification number being associated with the products or services to be delivered;

a unique control number being associated with said personal identification number and the products or services to be delivered, said unique control number being encoded on one of said package, said card and said at least one component related to the products or services to be delivered.

Claim 13 (Amended). A package for use in a packaged delivery system for point-of-sale activation of product or services to be delivered, the package adapted for securing a first card thereto and for retaining at least one component related to the products or services to be delivered, the first card including a personal identification number related to the products or services to be delivered, said package including:

a first panel;

a second panel attached to said first panel, said first and second panels being in substantially congruent relationship with one another when said package is in a closed position;

means for retaining said at least one component related to the products or services to be delivered within said package when said package is in a closed position, said at least one component being removable from said package is in an open position, wherein said one component is a CD, CDs, CVD, CVDs or other digital media storage devices having digital media thereon that constitute all or a portion of said products or services;

means for securing said card to one of said first and second panels.

Claim 19 (Amended). A method of ~~activating delivery of goods or services at the point-of-sale~~ delivering goods or services in the form of digital information, the method comprising the steps of:

(a) providing all or a portion of said digital information on a CD, CVD or other digital storage device at the point-of-sale;

(a)

(b) associating a persona identification number with said goods or services;

- (b)
- (c) associating a number with said personal identification number;
- (c)
- (d) using a point of sale activation device to transmit said number to a processing apparatus;
- (d)
- (e) activating said personal identification number by said processing apparatus; and
- (e)
- (f) then activating ~~delivery of~~ access to said goods or services by communicating with said processing apparatus.

Claim 25 (Delete).

Claim 26 (Delete).

Claim 27 (Delete).

Claim 28 (Amended). The methods of claim ~~25~~ 21, wherein the number is encoded on ~~said a package and~~ obscured with tamper evident means ~~compromising a sticker affixed to said package.~~

CLEAN VERSION

Claim 1 (Amended). A packaged[✓] delivery system for point-of-sale activation of products or services to be delivered, said packaged delivery system comprising:
a package;

at least one component related to the products or services to be delivered, said at least one component being retained within said package when said package is in a closed position, wherein said one component is a CD, CDs, CVD, CVDs or other digital media storage devices having digital media thereon that constitute all or a portion of said products or services.

Claim 12 (Amended). A packaged delivery system for point-of-sale activation of products or service to be delivered, said package delivery system comprising:

a package;

at least one component related to this products or services to be delivered, said at least one component being retained within the package, wherein said one component is a CD, CDs, CVD, CVDs or other digital media storage devices having digital media thereon that constitute all or a portion of said products or services.

Claim 13 (Amended). A package for use in a packaged delivery system for point-of-sale activation of product or services to be delivered, the package adapted for securing a first card thereto and for retaining at least one component related to the products or services to be delivered, the first card including a personal identification number related to the products or services to be delivered, said package including:

a first panel;

a second panel attached to said first panel, said first and second panels being in substantially congruent relationship with one another when said package is in a closed position;

means for retaining said at least one component related to the products or services to be delivered within said package when said package is in a closed position.

said at least one component being removable from said package is in an open position, wherein said one component is a CD, CDs, CVD, CVDs or other digital media storage devices having digital media thereon that constitute all or a portion of said products or services.

Claim 19 (Amended). A method of delivering goods or services in the form of digital information, the method comprising the steps of:

- (a) proving all or a portion of said digital information on a CD, CVD or other digital storage device at the point-of-sale;
- (b) associating a personal identification number with said goods or services;
- (c) associating a number with said personal identification number;
- (d) using a point of sale activation device to transmit said number to a processing apparatus;
- (e) activating said personal identification number by said processing apparatus; and
- (f) then activating access to said goods or services by communicating with said processing apparatus.

Claim 28 (Amended). The methods of claim 21, wherein the number is encoded on a package and obscured with tamper evident means.

REMARKS

The Esteemed Examiner is thanked for point out certain issues requiring corrections. The Claims have been Amended to overcome the Esteemed Examiner's rejections pursuant to 35 U.S.C. §102 and §35 U.S.C. 103.

The Esteemed Examiner primarily relies on Fiala et al (U.S. Patent No. 5,918,909) as the basis for the Esteemed Examiner's rejections of the Claims pursuant to both 35 U.S.C. §102 and §35 U.S.C. 103. Accordingly, most of the remarks are addressed to the Fiala Application. Particularly, the Fiala Application constitutes an invention that is used to activate a credit on an account. The Fiala invention is primarily intended to activate a gift card account or credits on a telephone account, etc. In contrast, the present invention is focused on security measures to ensure delivery of a particular product, digital information, to an actual purchaser but with safeguards therein to prevent the delivery of such digital information to persons stealing or otherwise facilitating unauthorized access to the digital information. Though not limited to any particular digital information, the most recognized use of the subject invention is the delivery of digital information in the form of CD music, CD/CVD computer software, CD and CVD movies. These items are particularly susceptible to theft due to there compact size. The present invention provides for a digital information product (for example, a CD with digital information stored thereon), and an access program digitally stored on the CD requiring an access code. The access code is not provided with the product. What is provided is a control number and a personal identification number (PIN).

The control number is imbedded into a magnetic strip, bar code or chip or like media that can be read by a point-of-sale activation device. The PIN is written on the package containing the CD but could actually be printed on the CD itself. The PIN is useless until such time that the control number is accessed by the point-of-sale

activation device. The point-of-sale activation device scans the magnetic strip, bar code or chip, receives the control number and sends same to the product provider's process apparatus (i.e., computer server). Once the control number is received by the product provider's processing apparatus, such processing apparatus is prompted to receive the PIN pre-associated with the control number. The provider's processing unit is preprogramed to receive a corresponding PIN from the buyer via telephone and/or computer access to the provider's processing apparatus by the buyer. Once the PIN is delivered to the provider's processing apparatus by the buyer, the specific access code corresponding to the access program on the purchased CD is provided to the buyer via telephone and/or computer internet means. Once the buyer utilizes the access code thus initiating the access program on the CD, the digital information on the CD become accessible and thus usable by the buyer. The important distinction between the subject matter of the Fiala patent and the present invention is that the Fiala Application does not anticipate or teach the use of digital storage media having the digital information product thereon which is preprogramed to receive an access code which will make the digital information on the storage media available to the buyer.

The present invention also contemplates the delivery of additional information over the internet or similar media transfer services. Once the access code has been delivered to the buyer, the program on the CD can also communicate with the provider's service to facilitate an additional download of digital information to a computer hard drive or digital storage device.

The present invention's use of the storage disc or other digital storage media in

combination with the use of the control number, PIN, point-of-sale activating device and the provider's processing apparatus is not taught by Fiala. Neither is such a combination addressed in U.S. Patent No. 4,640,413 issued to Kaplan et al or Pearce et al (U.S. Patent No. 6, 243,468).

Claims 1, 12, 13 and 19 have been amended to incorporate the importance of the interaction of the digital storage media as a component part of the subject invention. Claim 28 has been amended to depend from Claim 21 which in turn depends from Claim 19. Claim 7 and Claims 25 through 27 have been deleted. The remaining Claims depend from independent claims that have been amended to more accurately set forth the distinguishing characteristics of the subject invention. In view of the above, it is submitted that Claims 1 through 6, 12 through 24 and 28 through 32 are in condition for allowance. Reconsideration of the Esteemed Examiner's rejection of these claims is respectfully requested. Accordingly, allowance of Claims 1 through 6, 12 through 24 and 28 through 32 are earnestly solicited.

Respectfully submitted,

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MAILING CERTIFICATE

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